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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

NORTH BAY CREDIT UNION, a California
 nonprofit corporation,

Plaintiff,

v.

MRB DIRECT, INC., a Nevada corporation;
 DAVID PARK, an individual; and DOES 1
 through 10, inclusive,

Defendants.

CASE NO.: 2:24-cv-00212-MMD-CSD

**STIPULATION AND ORDER TO
 EXTEND FRCP 12(a)(4)(A)
 RESPONSIVE PLEADING DEADLINE
 (FIRST REQUEST)**

Pursuant to LR IA 6-1 and Fed. R. Civ. P. (“FRCP”) 6(b), Plaintiff NORTH BAY CREDIT UNION (“Plaintiff”) and Defendants MRB DIRECT, INC. (“MRBD”) and DAVID PARK (“Mr. Park”, together with MRBD, “Defendants,” and collectively with Plaintiff, the “Parties”), by and through their undersigned counsel of record, submit this Stipulation and Order to Extend the Responsive Pleading Deadline (First Request).

1. On August 9, 2023, Plaintiff filed its complaint (the “Complaint”) in the Superior Court of California, County of Orange. [ECF No. 1].

2. On September 14, 2023, Plaintiff served its Complaint on MRBD. [ECF No. 1].

3. Plaintiff initially contended it served its Complaint on Mr. Park on September 16, 2024. [ECF No. 1] Although Mr. Park contested that service, the Parties recently reached an agreement whereby Mr. Park accepted service in this case.

4. On October 13, 2023, Defendants filed a notice of removal to the United States District Court for the Central District of California (the “California District Court”). [ECF No. 1].

1 5. The original response deadline was October 20, 2023.

2 6. On October 20, 2023, while this case was pending before the California District
3 Court, the Parties filed a Stipulation to Extend Time to Answer the Complaint. [ECF No. 012].
4 That stipulation extended the Answer deadline to November 3, 2023.

5 7. On October 31, 2023, the Parties filed a second Stipulation to Extend Time to
6 Answer the Complaint, extending the Answer deadline to November 15, 2023. [ECF No. 015].

7 8. On November 15, 2023, the Defendants concurrently filed separate motions to
8 dismiss. [ECF No. 025; ECF No. 027]. Both motions requested the alternative relief of venue
9 transfer to the District of Nevada.

10 9. On January 6, 2024, the California District Court entered a minute order
11 transferring the case to this Court without reaching the merits of the motions to dismiss.
12 [ECF No. 036].

13 10. On May 21, 2024, Defendants renewed their motions to dismiss, this time filing it
14 as one, single motion. [ECF No. 61].

15 11. On November 15, 2024, Judge Du of this Court granted in part and denied in part
16 Defendants' motion to dismiss. [ECF No. 075]. Under FRCP 12(a)(4)(A), Defendants' deadline
17 to file a responsive pleading became November 29, 2024—the day after Thanksgiving.

18 12. To accommodate the holiday schedules of counsel and the Parties, Defendants
19 asked Plaintiff for an extension to the responsive pleading deadline. The Parties met and conferred
20 in good faith on November 27th, agreeing to extend the answer deadline, ultimately to December
21 10, 2024.

22 13. In light of Defendants' intention to bring counterclaims and join new parties, the
23 Parties filed a stipulation to extend certain deadlines. [ECF No. 079]. The stipulation included a
24 footnote briefly explaining the status of the Parties' ongoing answer deadline negotiations.

25 14. On December 9, 2024, the Court issued an Order approving that stipulation. [ECF
26 No. 80].

27 15. In light of the Court's December 9, 2024 Order, the Parties agreed to, and hereby
28 stipulate to, extend the answer deadline to December 13, 2024.

16. This is the first such request since the case was transferred to the District of Nevada. It is also the first request to move the answer deadline set by FRCP 12(a)(4)(A).

17. The Parties agree that good cause exists to extend the answer deadline in light of the holiday season and the recent order approving the stipulation to extend certain deadlines. [ECF No. 80].

18. The Parties do not anticipate that this extended answer deadline will impact the current case deadlines.

19. For these reasons, the Parties jointly request that the Court enter an order approving the Parties' stipulation as set forth herein.

IT IS SO STIPULATED.

Dated this 13th day of December 2024.

BUCHALTER

/s/ David E. Mark

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Dated this 13th day of December 2024.

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IT IS SO ORDERED:

ORDER



UNITED STATES MAGISTRATE JUDGE

DATED: December 16, 2024